IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 13 OF 2001

M/S TALAK HOMES & ESTATES & ORS. ....Appellant

Versus

CAPT.MACKINNON C.D`SILVA & ORS. ....Respondent

Mr.Sudesh Usgaonkar, Advocate for the Appellants.
Mr. S. Dessai, holding for Mr. Arun Bras De Sa For R.1

Coram:- SMT. RANJANA DESAI, J.

Date:- 23rd June, 2006

P.C.:

Heard learned counsel for the parties.

I am informed that the trial of Special Civil Suit No. 108/2000/II is going on. The defendant's cross-examination is going on. In view of this, the learned counsel for the parties state that without prejudice to the rights and contentions of their respective parties and without expressing any opinion on the merits of the case the Appeal from Order may be disposed of with appropriate direction to the trial Court.

Hence Appeal from Order is disposed with a direction that the trial Court should proceed with the Special Ciuvil Suit No. 108/2000/II and dispose it of by December, 2006. During the pendency of the suit the impugned order passed by the trial court to operate. This Court has not expressed any opinion on the merits of the case.

SMT. RANJANA DESAI, J.

sl.